THE HON'BLE SRI JUSTICE C.V. RAMULU

Monday, 20th November ,2006

W.P.No.10813 of 2004

Between :

K.T. Nambiar & others ... Petitioners

and

The District Cooperative Officer,
Hyderabad Urban, Hyderabad
& others ... Respondents

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.10813 of 2004

ORAL ORDER:

This Writ Petition is filed seeking a Mandamus declaring the action of the 2nd respondent in not considering the objections/claim filed by the petitioners on 24-6-2004 with regard to item No.4 of the property i.e. H.No.12-7-290/1 I and II Floors, Mettuguda, Secunderabad as published in the Deccan Chronicle dated 20-6-2004 as arbitrary, illegal and contrary to Rule 52(21)(a)&(b) of the Andhra Pradesh Cooperative Societies Rules,1964 (for short 'the Rules').

It appears that one Mrs. Theresamma Michel sold the property bearing House Nos.12-7-289 and 12-7-290 situated at Mettuguda, Secunderabad to Mrs. T. Josephen Reddy through a registered sale deed dated 10-1-1980. Thereafter, Mrs. Josephen Reddy constructed first and second floors thereon. It seems, Mrs. Josephen Reddy, thereafter, sold a portion of the first floor of the house on 12-8-1996 to the 1st petitioner. Petitioner No.2 seems to have purchased a portion of the first floor from a third party to whom Mrs. Josephen Reddy sold it on 28-8-1990, on 28-3-2003. Whereas, the 3rd petitioner purchased the second floor portion on 6-5-2002, which was, in fact, sold to a third party by Mrs.Josephen Reddy on 25-10-1990 itself. While so, the impugned sale notice has been issued stating that the entire property i.e. H.No.12-7-290/1, Ground, 1st and 2nd floors, Mettuguda, Secunderabad ad measuring 350 square

yards has been mortgaged to the respondent-Prudential Cooperative Bank Limited in the year 1999. The first sale notice has been issued on 20-6-2004. Thereafter, on filing this Writ Petition and in view of the interim orders passed by this Court, the sale was postponed and a second auction notice was issued on 23-1-2005.

Now, Mr. Ashok Anand Kumar, learned counsel appearing for the respondent-Bank submits that the petition filed by the petitioners herein under Rule 52(21)(a)&(b) of the Rules is still pending with the 2nd respondent-Sale Officer.

In view of the above, without expressing any opinion on merits, the 2nd respondent is directed to dispose of the claim petition filed by the petitioners under Rule 52(21)(a)&(b) of the Rules, within a period of eight weeks from the date of receipt of a copy of this order. Till such time, no coercive steps shall be taken against the petitioners.

With the above directions, the Writ Petition is disposed of. No order as to costs.

20-11-2006

prk